

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

MAY 31 2002

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JARON Z. LANIER, JEAN-JACQUES G. GRIMAUD,
YOUNG L. HARVILL, ANN LASKO-HARVILL, CHUCK L. BLANCHARD,
MARK L. OBERMAN, and MICHAEL A. TEITEL

Appeal No. 2002-0475
Application No. 09/217,595

ORDER REMANDING TO EXAMINER

Appellants filed a reply brief on April 29, 2002 (Paper No. 22) in response to the examiner's answer entered January 29, 2002 (Paper No. 20). However, there is no indication on the record whether or not the examiner has responded to the reply brief. Section § 1208.03 of the Manual of Patent Examining Procedure (8th ed., Aug. 2001) states:

[A]ppellant may file a reply brief as a matter of right within 2 months from the mailing date of the examiner's answer. . . . The primary must then either: (A) acknowledge receipt and entry of the reply brief by

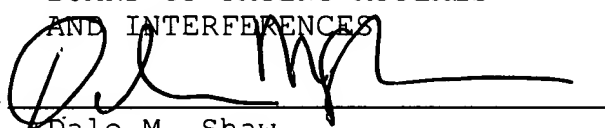
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using form paragraph 12.47 on form PTOL-90; or (B)
reopen prosecution to respond to the reply brief. See
MPEP § 1208.02.

Accordingly, it is

ORDERED that this application be remanded to the
examiner for: 1) proper written response to the reply brief, and
2) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and
Interferences be informed promptly of any action affecting the
status of this appeal (i.e., abandonment, issue, reopening
prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES
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